

Is a person's 1st Amendment religious exercise in conflict with **GOVERNMENT** law or regulation?

→ **NO**

**RFRA
DOES NOT
APPLY**



YES

Right to request an accommodation.
Does judge determine they are being substantially burdened by government?

→ **NO**

**RFRA
PROTECTION
DOES NOT
APPLY**



YES



**MI RFRA BALANCING TEST
USED (Senate Bill 4)
SAME AS FEDERAL RFRA**

Does court find that government has compelling interest that supersedes sincerely held religious belief?

→ **YES**

**RFRA
PROTECTION
DOES NOT
APPLY**



(note: Judicial balance may allow for a less restrictive accommodation to be made if it still preserves the governmental interest)

NO

PERSON ACCOMMODATED

The Detroit News

FOUNDED AUGUST 23, 1873 | A MEDIA NEWS NEWSPAPER

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

— FIRST AMENDMENT TO THE CONSTITUTION

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Religious freedom law protects rights

BY STATE SEN. MIKE SHIRKEY

There has been much debate recently over Senate Bill 4, also known as the Michigan Religious Freedom Restoration Act (RFRA). Rarely have so many misconceptions been spread across television and radio so fast in respect to Michigan's proposed version of this historically proven law.



Shirkey

Michigan's SB 4 is similar to the already existing federal RFRA, as well as RFRA in other states, including in Illinois where President Barack Obama voted in favor of it when he was in the state legislature.

It is a "restoration" act because its passage on the federal level over 20 years ago was necessitated by a court case that removed essential First Amendment rights. RFRA was written to restore those constitutional rights, enjoyed the support of U.S. Senators such as the late Ted Kennedy, and was signed into law by President Bill Clinton in 1993. The law simply says that if government passes a law that tramples a person's religious beliefs, it gives the person an avenue to sue the government. It does not guarantee that they will be successful, only that they will have an opportunity to push back against government. This is a fundamental right that goes back to the founding of our country.

Why is Michigan looking to pass its own RFRA, and why have so many other states done so? A Supreme Court ruling said that states would need to pass their own state version of RFRA if it wanted its citizens to be protected by overzealous governmental laws or actions. Indeed, only those in prison were recognized as having full RFRA rights. Many states, including our neighbors such as Illinois, started passing state level RFRA's to fully restore the First Amendment rights of their citizens.

Because the federal RFRA and the RFRA's of



Michael Conroy / AP

A so-called religious freedom law in Indiana sparked a controversy that sent lawmakers scrambling.

other states have already been passed, experience has shown that some of the outrageous claims being made against RFRA are flat out untrue. History has proven that the law has benefited members of both majority and minority religions, and that when people have tried to use RFRA for inappropriate purposes that the courts have denied their claims.

RFRA only applies to governmental laws or actions, and the policies of private companies are not somehow overridden by RFRA. Far from being a "license to discriminate," both the federal RFRA and proposed Michigan RFRA are a shield to make sure people retain their full First Amendment rights and have an opportunity to defend themselves if governmental laws or actions unfairly impinge upon their sincerely held religious beliefs. The opposite would mean a country where government could freely trample on any religion.

State Sen. Mike Shirkey, R-Clarklake, represents the 16th District.